



Reprinted
February 5, 2004

HOUSE BILL No. 1438

DIGEST OF HB 1438 (Updated February 5, 2004 12:03 am - DI 73)

Citations Affected: IC 4-1.5; noncode.

Synopsis: Economic development. Establishes the enterprise zone study commission. Changes the appointing authority for the board of the Indiana economic development corporation. Specifies that the governor appoints all of the members of the board. Specifies that the governor shall: (1) consider the recommendations of legislative leaders in making four of the appointments; and (2) consider the recommendations of state university presidents in making seven of the appointments.

Effective: Upon passage; July 1, 2005.

Klinker, Buell, Harris, Scholer

January 20, 2004, read first time and referred to Committee on Ways and Means.
January 29, 2004, amended, reported — Do Pass.
February 4, 2004, read second time, amended, ordered engrossed.

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HB 1438—LS 7376/DI 73+



Reprinted
February 5, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1438

A BILL FOR AN ACT to amend the Indiana Code concerning
taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-1.5-4-2, AS ADDED BY P.L.224-2003, SECTION
2 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: Sec. 2. The board is composed of the following twenty-three
4 (23) members, none of whom may be members of the general
5 assembly:

6 (1) ~~Three (3)~~ **Fifteen (15)** persons appointed by the governor who
7 must be employed in or retired from the private or nonprofit sector.

8 **The following apply to appointments under this subdivision:**

9 **(A) The governor shall consider the recommendation of the**
10 **speaker of the house of representatives when making one (1)**
11 **appointment.**

12 **(B) The governor shall consider the recommendation of the**
13 **minority leader of the house of representatives when making**
14 **one (1) appointment.**

15 **(C) The governor shall consider the recommendation of the**
16 **president pro tempore of the senate when making one (1)**
17 **appointment.**

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(D) The governor shall consider the recommendation of the minority leader of the senate when making one (1) appointment.

(2) The lieutenant governor.

(3) Three (3) persons appointed by the speaker of the house of representatives who must be employed in or retired from the private or nonprofit sector.

(4) Three (3) persons appointed by the minority leader of the house of representatives who must be employed in or retired from the private or nonprofit sector.

(5) Three (3) persons appointed by the president pro tempore of the senate who must be employed in or retired from the private or nonprofit sector.

(6) Three (3) persons appointed by the minority leader of the senate who must be employed in or retired from the private or nonprofit sector.

(7) One (1) person appointed by the president of Indiana University who must be employed in or retired from the private or nonprofit sector or academia.

(8) One (1) person appointed by the president of Purdue University who must be employed in or retired from the private or nonprofit sector or academia.

(9) One (1) person appointed by the president of Indiana State University who must be employed in or retired from the private or nonprofit sector or academia.

(10) One (1) person appointed by the president of Ball State University who must be employed in or retired from the private or nonprofit sector or academia.

(11) One (1) person appointed by the president of the University of Southern Indiana who must be employed in or retired from the private or nonprofit sector or academia.

(12) One (1) person appointed by the president of Ivy Tech State College who must be employed in or retired from the private or nonprofit sector or academia.

(13) One (1) person appointed by the president of Vincennes University who must be employed in or retired from the private or nonprofit sector or academia.

(3) Seven (7) persons appointed by the governor who must be employed in or retired from the private or nonprofit sector or academia, on recommendation of the following:

(A) The president of Indiana University.

(B) The president of Purdue University.

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(C) The president of Indiana State University.

(D) The president of Ball State University.

(E) The president of the University of Southern Indiana.

(F) The president of Ivy Tech State College.

(G) The president of Vincennes University.

SECTION 2. IC 4-1.5-4-3, AS ADDED BY P.L.224-2003, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Subject to section 4 of this chapter, ~~the terms of office of the voting~~ members of the board ~~are as follows:~~

~~(1) members appointed by the governor president pro tempore of the senate, or minority leader of the senate serve for terms of four (4) years.~~

~~(2) Members appointed by the speaker of the house of representatives, the minority leader of the house of representatives, or the president of a university or college serve for terms of two (2) years.~~

Each member shall hold office for the term of appointment and shall continue to serve after expiration of the appointment until a successor is appointed and qualified. Members are eligible for reappointment.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) ~~As used in this SECTION, "commission" refers to the enterprise zone study commission.~~

(b) The commission consists of the following members:

(1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives, who may not be members of the same political party.

(2) Two (2) members of the senate appointed by the president pro tempore of the senate, who may not be members of the same political party.

(3) Two (2) members appointed by the speaker of the house of representatives who are individuals involved in the operation and implementation of enterprise zones or urban enterprise associations.

(4) Two (2) members appointed by the president pro tempore of the senate who are individuals involved in the operation and implementation of enterprise zones or urban enterprise associations.

(5) The executive director of the department of commerce or the executive director's designee, who is a nonvoting member of the commission.

(6) The commissioner of the department of local government finance or the commissioner's designee, who is a nonvoting

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- 1 member of the commission.
- 2 (c) The chairperson of the legislative council shall appoint a
- 3 chairperson of the commission.
- 4 (d) The commission shall study the following:
- 5 (1) Means of assisting enterprise zones in attracting businesses
- 6 to:
- 7 (A) downtown areas; and
- 8 (B) disadvantaged areas.
- 9 (2) Ways to replace sources of funding for urban enterprise
- 10 associates that were the responsibility of the owners of
- 11 inventory property located in an enterprise zone before the
- 12 enactment of tax deductions that eliminate most property taxes
- 13 on inventory.
- 14 (3) Ways to mitigate the shift to homeowners and other
- 15 property taxpayers of the property tax levies that were the
- 16 responsibility of the owners of inventory property before the
- 17 enactment of tax deductions that eliminate most property taxes
- 18 on inventory.
- 19 (e) The commission shall operate under the policies governing
- 20 study committees adopted by the legislative council.
- 21 (f) The affirmative vote of a majority of the voting members
- 22 appointed to the commission is required for the commission to take
- 23 action on any measure, including the final report.
- 24 (g) This SECTION expires November 1, 2004.
- 25 SECTION 4. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1438, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1438 as introduced.)

CRAWFORD, Chair

Committee Vote: yeas 24, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1438 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-1.5-4-2, AS ADDED BY P.L.224-2003, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The board is composed of the following twenty-three (23) members, none of whom may be members of the general assembly:

(1) ~~Three (3)~~ **Fifteen (15)** persons appointed by the governor who must be employed in or retired from the private or nonprofit sector.

The following apply to appointments under this subdivision:

(A) The governor shall consider the recommendation of the speaker of the house of representatives when making one (1) appointment.

(B) The governor shall consider the recommendation of the minority leader of the house of representatives when making one (1) appointment.

(C) The governor shall consider the recommendation of the president pro tempore of the senate when making one (1) appointment.

(D) The governor shall consider the recommendation of the minority leader of the senate when making one (1) appointment.

(2) The lieutenant governor.

(3) ~~Three (3)~~ persons appointed by the speaker of the house of representatives who must be employed in or retired from the private or nonprofit sector.

(4) ~~Three (3)~~ persons appointed by the minority leader of the house of representatives who must be employed in or retired from the private or nonprofit sector.

(5) ~~Three (3)~~ persons appointed by the president pro tempore of the senate who must be employed in or retired from the private or nonprofit sector.

(6) ~~Three (3)~~ persons appointed by the minority leader of the senate who must be employed in or retired from the private or nonprofit sector.

(7) ~~One (1)~~ person appointed by the president of Indiana University who must be employed in or retired from the private or nonprofit sector or academia.

(8) ~~One (1)~~ person appointed by the president of Purdue University

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who must be employed in or retired from the private or nonprofit sector or academia:

(9) One (1) person appointed by the president of Indiana State University who must be employed in or retired from the private or nonprofit sector or academia:

(10) One (1) person appointed by the president of Ball State University who must be employed in or retired from the private or nonprofit sector or academia:

(11) One (1) person appointed by the president of the University of Southern Indiana who must be employed in or retired from the private or nonprofit sector or academia:

(12) One (1) person appointed by the president of Ivy Tech State College who must be employed in or retired from the private or nonprofit sector or academia:

(13) One (1) person appointed by the president of Vincennes University who must be employed in or retired from the private or nonprofit sector or academia:

(3) Seven (7) persons appointed by the governor who must be employed in or retired from the private or nonprofit sector or academia, on recommendation of the following:

(A) The president of Indiana University.

(B) The president of Purdue University.

(C) The president of Indiana State University.

(D) The president of Ball State University.

(E) The president of the University of Southern Indiana.

(F) The president of Ivy Tech State College.

(G) The president of Vincennes University.

SECTION 2. IC 4-1.5-4-3, AS ADDED BY P.L.224-2003, SECTION 260, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Subject to section 4 of this chapter, the terms of office of the voting members of the board are as follows:

(1) members appointed by the governor president pro tempore of the senate, or minority leader of the senate serve for terms of four (4) years.

(2) Members appointed by the speaker of the house of representatives, the minority leader of the house of representatives, or the president of a university or college serve for terms of two (2) years.

Each member shall hold office for the term of appointment and shall continue to serve after expiration of the appointment until a successor is appointed and qualified. Members are eligible for reappointment."

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Renumber all SECTIONS consecutively.

(Reference is to HB 1430 as printed January 30, 2004.)

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